

# Court of Appeals, State of Michigan

## ORDER

Corey A Askew v Department of Corrections

Docket No. 275278

Brian K. Zahra  
Presiding Judge

Janet T. Neff

Karen M. Fort Hood  
Judges

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The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. First and foremost, plaintiff had the ability to appeal the misconduct adjudication via the system used by the Lake County Sheriff's Department, which is the entity that filed the major misconduct allegations against plaintiff, but he did not. *Lake Angelo Assoc v White Lake*, 198 Mich App 65, 73; 498 NW2d 1 (1993) (a writ of mandamus will not be issued where the plaintiff can appeal the error). Even if plaintiff was denied an opportunity to appeal the misconduct adjudications, this Court would still lack jurisdiction over the complaint as the court rules required plaintiff to file his complaint in the Lake Circuit Court since Lake County Deputy Sheriffs, as plaintiff admits in brief in support of the complaint, are not state officials. MCR 3.305(A).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 11 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk